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5 Attorneys for Plaintiff  
6 United States of America

7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,  
10

11 Plaintiff,

12 v.

13 CARLOS EFRAIN PEREZ

14 Defendant.

CASE NO. 1:21-CR-00179-JLT-SKO

STIPULATION TO CONTINUE

15  
16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
17 through defendant's counsel of record, hereby stipulate as follows:

- 18 1. By previous order, this matter was set for a status conference regarding the mental competency of  
19 the defendant on January 23, 2023, at 10:00 a.m.
- 20 2. The defendant now seeks to continue the status conference until February 13, 2023. The  
21 government has no objection to the defense request.
- 22 3. Defense is seeking this additional time to meet with his client, obtain and review the competency  
23 report from the Bureau of Prisons, discuss the results of the report with his client, consider a  
24 potential pretrial resolution of the case, and prepare for a potential trial.
- 25 4. The parties agree and stipulate, and request that the Court find the following:
- 26 a) The ends of justice served by continuing the case as requested outweigh the interest  
27 of the public and the defendant in a trial within the original date prescribed by the  
28 Speedy Trial Act.

- b) Having found by a preponderance of the evidence that the defendant is presently incompetent to stand trial, the Court ordered the defendant committed to the custody of the Attorney General for a period of four months for treatment in a suitable facility, pursuant to 18 U.S.C. § 4241(d).
- c) The defendant's mental health status has not been resolved and the parties cannot proceed to trial on the case until defendant's mental health status is resolved.
- d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 23, 2023, to February 13, 2023, inclusive, is deemed excludable pursuant to 118 U.S.C. § 3161(h)(4), for "delay resulting from the fact that the defendant is mentally incompetent . . . to stand trial" and because good cause exists for the continuance of a status conference, and time should be further excluded as the ends of justice outweigh the interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 5, 2023

PHILLIP A. TALBERT  
United States Attorney

By: /s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

Dated: January 5, 2023

/s/ DOUGLAS BEEVERS  
Attorney for Defendant  
CARLOS EFRAIN PEREZ

**ORDER**

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **January 5, 2023**

  
UNITED STATES DISTRICT JUDGE